

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTOINE DESHAWN BARNES,

Plaintiff,

v.

DEPARTMENT OF TREASURY, et al.,

Defendants.

No. 2:21-cv-02101-DAD-CKD (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND DISMISSING  
THIS ACTION

(Doc. Nos. 20, 22)

Plaintiff Antoine DeShawn Barnes is a state prisoner appearing *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 42 U.S.C. § 1983. This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On September 7, 2022, the assigned magistrate judge issued findings and recommendations recommending this action be dismissed, without prejudice, pursuant to Federal Rule of Civil Procedure 41(b) due to plaintiff's failure to prosecute this action. (Doc. No. 20.) Specifically, plaintiff has failed to comply with the court's order dated July 25, 2022 (Doc. No. 15), in which plaintiff's original complaint was dismissed and plaintiff was directed to file an amended complaint within thirty days. (*Id.*) The findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.*)

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1 On October 24, 2022, plaintiff filed a one-page document titled “Object to Findings and  
2 Recommendations.” (Doc. No. 21.) Therein, plaintiff merely asks the court to “have the IRS in  
3 Fresno send [him] all his stimulus checks.” (*Id.* at 1.) Plaintiff does not address the findings and  
4 recommendations, nor his failure to file an amended complaint as ordered. Thus, plaintiff’s  
5 objections provide no basis upon which to reject the pending findings and recommendations.

6 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this court has conducted a  
7 *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff’s  
8 objections, the court finds the findings and recommendations to be supported by the record and  
9 proper analysis.

10 Accordingly,

- 11 1. The findings and recommendations issued on September 7, 2022 (Doc. No. 20) are  
12 adopted in full;
- 13 2. This action is dismissed, without prejudice, due to plaintiff’s failure to prosecute  
14 this action;
- 15 3. Plaintiff’s pending request for stimulus checks (Doc. No. 22) is terminated as  
16 having been rendered moot by this order; and
- 17 1. The Clerk of the Court is directed to close this case.

18 IT IS SO ORDERED.

19 Dated: **December 2, 2022**

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UNITED STATES DISTRICT JUDGE